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FEE TRANSMITTAL
For FY 2007

Effective 12/08/2004. Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

Complete if known

Application Number	09/997,946
Filing Date	11/30/2001
First Named Inventor	Bryce A. Jones et al
Examiner Name	S. Merchant
Art Unit	3694
Attorney Docket No.	1632(17239)

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 510)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account: Deposit Acct. Number: 21-0765 Deposit Acct. Name: Sprint Communications Company L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	210	105
Multiple dependent claims	370	185

Small Entity

Fee (\$)

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: 1402 - \$510

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Mark L. Mollon	Registration No. (Attorney/Agent)	31,123	Telephone (734) 542-0900
Signature	<i>Mark L. Mollon</i>			Date December 4, 2007

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Renée D. East

by Renée D. East

Date of signature and deposit - December 4, 2007

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bryce A. Jones et al)	Group Art Unit: 3694
)	
Serial No.: 09/997,946)	Confirmation No.: 5804
)	
Filed: 11/30/2001)	Examiner: S. Merchant
)	
For: Method and System for Providing)	Attorney Docket: 1632(17239)
Prepaid Data Service)	

APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of the Examiner mailed July 17, 2007, rejecting claims 1-24 and 26-32.

REAL PARTY IN INTEREST

The real party in interest in the present appeal is Sprint Communications Company L.P., assignee of the entire right, title, and interest in the present application.

12/07/2007 CCHAU1 00000013 210765 09997946

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RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-24 and 26-32.

Claims withdrawn: none.

Claims canceled: 25.

The claims being appealed are: 1-24 and 26-32.

STATUS OF AMENDMENTS

No amendment to the claims was filed after final rejection. All previous amendments to the claims were entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to the provision of prepaid data services to subscribers of a communications network such as a service carrier, wherein the data services are provided from a data network outside the communications network. The claimed invention is summarized as follows.

Claim 1 recites a method for providing prepaid data service (page 8, lines 3-6) to a subscriber terminal (12 in Figure 1) in a communications network (16) coupled by a gateway (18) to a data network (20) (page 8, lines 17-22 and page 9, lines 13-18). A determination is made of whether a balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (page 10, lines 3-10). If the determination is that the balance of the prepaid account does not meet the threshold, then traffic is passed to a requested destination in the data network (page 10, lines 11-13). If the determination is that the balance of the prepaid account meets the threshold, then the traffic is redirected the traffic to a self-service portal (page 10, lines 14-17). Value is added to the balance of the prepaid account at the self-service portal using the subscriber terminal (page 10, lines 17-20).

Claim 11 recites a method of providing prepaid data service (page 8, lines 3-6) to a subscriber terminal (12 in Figure 1) in a communications network (16) coupled by a gateway (18) to a data network (20) (page 8, lines 17-22 and page 9, lines 13-18). A communication session is established with the subscriber terminal (page 10, lines 3-5). A determination is made of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (page 10, lines 3-10). If the determination is that the balance of the prepaid account does not meet the threshold, then traffic is passed from the subscriber terminal to a requested destination in the data network (page 10, lines 11-13). If the determination is that the balance of the prepaid account meets the threshold, then the traffic is redirected from the subscriber terminal to a self-service portal (page 10, lines 14-17). An account number is provided to the self service portal using the subscriber terminal to add value to the balance of the prepaid account (page 10, lines 17-20).

Claim 12 recites a method for providing first and second prepaid data services (page 23, lines 4-10) to a subscriber terminal (12 in Figure 1) in a communications network (16) coupled by a gateway (18) to a data network (20) (page 8, lines 17-22 and

page 9, lines 13-18). A first determination is made of whether a balance of a prepaid account of a corresponding subscriber for the first and second data services meets a first threshold determined in response to the first data service (page 23, lines 11-22). If the first determination is that the balance of the prepaid account does not meet the first threshold, then traffic is passed to a first requested destination in the data network corresponding to the first data service (page 10, lines 11-13). A second determination is made of whether the balance of the prepaid account does not meet a second threshold determined in response to the second data service (page 23, line 23 to page 24, line 5). If the second determination is that the balance of the prepaid account does not meet the second threshold, then the traffic is redirected to a self-service portal (page 10, lines 14-17).

Claim 13 recites a system for providing prepaid data service (page 8, lines 3-6) to a subscriber of a communications network (16 in Figure 1). A subscriber terminal (12) is coupled to the communications network (16). A data gateway (18) couples the communications network (16) to a data network (20) (page 8, lines 17-22 and page 9, lines 13-18). A web server (26) is coupled to the data gateway (20) (page 9, lines 19-21). The data gateway (20) comprises a processor, a memory, and computer instructions stored in the memory (page 9, lines 19-21) and executable by the processor for 1) passing traffic from the subscriber terminal to a requested destination in the data network if a balance of a prepaid account of the subscriber for the data service does not meet a threshold (page 10, lines 11-13), and 2) redirecting the traffic to the web server if the balance of the prepaid account meets the threshold (page 10, lines 14-17). The web server (26) comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold (page 10, lines 17-20).

Claim 30 recites a system for providing prepaid data service (page 8, lines 3-6)

to a subscriber of a communications network (16 in Figure 1). The system comprises means for making a determination of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (policy decision point 24 in Figure 1; page 10, lines 3-8). Means are provided for passing traffic to a requested destination in a data network separate from the communications network if the determination is that the balance of the prepaid account does not meet the threshold (data gateway 18; page 10, lines 20-22). Means are provided for redirecting the traffic to a self-service portal if the determination is that the balance of the prepaid account meets the threshold (data gateway 18; page 10, lines 14-20).

Claim 31 recites a system for providing first and second prepaid data services (page 23, lines 4-10) to a subscriber of a communications network (16 in Figure 1). A subscriber terminal (12) is coupled to the communications network (16). A data gateway (18) couples the communications network (16) to a data network (20) (page 8, lines 17-22 and page 9, lines 13-18). The data gateway comprises a processor, memory, and computer instructions stored in the memory (page 9, lines 19-21) and executable by the processor for 1) passing traffic to a first requested destination corresponding to the first data service in the data network if a balance of a prepaid account of a corresponding subscriber does not meet a first threshold (page 10, lines 11-13), 2) passing traffic to a second requested destination corresponding to the second data service in the data network if a balance of the prepaid account does not meet a second threshold (page 10, lines 11-13), 3) monitoring use of the first and second data services until a predetermined credit expires (page 23, lines 11-21), 4) notifying both the first and second data services that the predetermined credit expires (page 24, lines 6-10), and 5) redirecting the traffic to a self-service portal when the predetermined credit expires (page 25, lines 6-9).

GROUND OF REJECTION TO BE REVIEWED

1. Whether claims 1 and 11 are unpatentable under 35 U.S.C. §102(b) as being anticipated by Lesley.

2. Whether claim 12 is unpatentable under 35 U.S.C. §103(a) over Taskett in view of Sprint PCS Services.

3. Whether claims 13 and 30 are unpatentable under 35 U.S.C. §103(a) over Lesley in view of Moore et al.

4. Whether claim 31 is unpatentable under 35 U.S.C. §103(a) over Lesley in view of Sprint PCS Services.

ARGUMENT

Rejection of Claims 1 and 11 under 35 USC 102(b) in view of Lesley

Claim 1

Claim 1 recites a method for providing prepaid data service to a subscriber terminal in a communications network. The communications network is coupled by a gateway to a data network. The method makes a determination of whether a balance of a prepaid account of a corresponding subscriber for the data service meets a threshold. If the determination is that the balance of the prepaid account does not meet the threshold, then traffic is passed to a requested destination in the data network. If the determination is that the balance of the prepaid account meets the threshold, then the traffic is redirected to a self-service portal, and value is added to the balance of the prepaid account at the self-service portal using the subscriber terminal. Thus, the claimed invention achieves the advantages of making data services from a data network available to a subscriber of a

communications network on a prepaid basis while allowing the subscriber to fund their prepaid account without assistance.

Lesley fails to disclose many of the important features of the claimed invention. Lesley is directed to providing prepaid services within the telecommunications network itself (e.g., long distance voice calls, see page 3, lines 10-27). The prepaid services include communication processes conducted between two or more telecommunications devices that involve a telecommunications network (page 8, lines 8-12). Although Lesley does show a personal computer coupled to the telecommunications network via the Internet, this connection is for allowing a subscriber to add money to their prepaid account rather than accessing a data service which directs traffic to a destination in the data network as is required in claim 1. Thus, Lesley fails to disclose the passing of traffic related to the data service as is claimed.

Since Lesley fails to disclose a data service according to the specific limitations of claim 1, it likewise fails to teach a determination of whether a balance of a prepaid account of a corresponding subscriber for a data service meets a threshold. Moreover, it necessarily fails to teach redirecting traffic to a self-service portal (i.e., since Lesley does not teach traffic directed to a destination in a data network for obtaining a data service, it cannot redirect any such traffic).

The final rejection states:

Applicant fails to demonstrate how a communications network is different than a data network. A communications network and a data network are equivalent.

However, the basis for applicant's argument was not that the recited communications network and data network are different types of network. The important point is that the claim recites two individual networks coupled by a gateway. Claim 1 recites that the subscriber terminal is in the communications network while a data service is provided from the data network. Whether or not the two networks employ a type of network that is equivalent in some sense is irrelevant. In fact, both networks may typically be primarily

digital networks. Nevertheless, there are two distinct networks recited together with a particular interaction between them which are not taught or suggested by Lesley.

Lesley fails to disclose a user accessing a data service in a data network from a subscriber terminal in a communication network as is required by claim 1. Since Lesley fails to disclose a data service according to the specific limitations of claim 1, it likewise fails to teach a determination of whether a balance of a prepaid account of a corresponding subscriber for a data service meets a threshold.

Moreover, it necessarily fails to teach redirecting traffic to a self-service portal (i.e., since Lesley does not teach traffic directed to a destination in a data network for obtaining a data service, it cannot redirect any such traffic). For the foregoing reasons, Lesley fails to anticipate claim 1, and the rejection should be reversed.

Claim 11

Independent claim 11 recites essentially the same limitations are discussed above regarding claim 1. Therefore, claim 11 is likewise allowable over Lesley because Lesley fails to show the data service and fails to disclose the passing of traffic related to the data service. Moreover, it fails to teach redirecting traffic to a self-service portal. Therefore, the rejection of claim 11 should be reversed.

Rejection of Claim 12 over Taskett in view of Sprint PCS Services

Claim 12

Claim 12 recites first and second prepaid data services. A first determination is made whether a balance of a prepaid account of a corresponding subscriber for the first and second data services meets a first threshold determined in response to the first data service. If the balance of the prepaid account does not meet the first threshold for the first data service, then traffic is passed to a first requested destination in the data network

corresponding to the first data service. A second determination is made whether the balance of the prepaid account does not meet a second threshold determined in response to the second data service. If the balance of the prepaid account does not meet the second threshold for the second data service, then the traffic is redirected to a self-service portal. Thus, the claimed invention can provide multiple prepaid data services simultaneously (see pages 23-25 of the specification).

It is unclear whether the basis for rejecting claim 12 is under §102(b) or §103(a) because the introduction of the rejection refers to §102(b) while the rejection itself states that it would be prima facie obvious. Applicant assumes that a rejection under §103(a) was intended. In either case, claim 12 is allowable over the cited references as follows.

Taskett provides for user replenishment of funds in a prepaid account, but there is no teaching of data services or a data network coupled to a communications network by a gateway. Without these elements, there is no possible teaching in Taskett of monitoring account balance thresholds separately for two different data services. Therefore, Taskett fails to anticipate claim 12. Sprint PCS Service (Reference U) likewise is limited to the provision of a service within the subscriber communication network itself. Therefore, Taskett in view of Sprint PCS Service fails to either disclose or suggest the interaction between networks that is recited in claim 12. Therefore, the rejection should be reversed.

Rejection of Claims 13 and 30 over Lesley in view of Moore

Claim 13 and 30

Claims 13 and 30 recite systems corresponding to the method of claim 1. As described above in connection with claim 1, Lesley lacks the separate communications and data networks which is also recited in claims 13 and 30. The website system of Moore fails to strengthen the rejection since it likewise fails to teach or suggest a gateway

between a communications network and a data network together with prepaid access within the communications network to the data network. The combination of Moore and Lesley further fails to suggest the automatic redirection to a self-service portal. Therefore, claims 13 and 30 are allowable over the cited references, and the rejections should be reversed.

Rejection of Claim 31 over Lesley in view of Sprint PCS Services

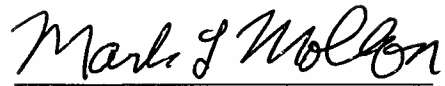
Claim 31

Claim 31 recites a system corresponding to the method of claim 12. As described above in connection with claim 1, Lesley lacks the separate communications and data networks which is also recited in claim 31. Sprint PCS Service (Reference U) likewise is limited to the provision of a service within the subscriber communication network itself. Therefore, Lesley in view of Sprint PCS Service fails to either disclose or suggest the interaction between networks that is recited in claim 31. Therefore, the rejection should be reversed.

CONCLUSION

The final rejection has failed to establish anticipation or a case of prima facie obviousness with respect to any of the pending claims. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the rejection contained in the final rejection mailed July 17, 2007, should be reversed.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark L. Mollon". The signature is fluid and cursive, with the first name "Mark" and last name "Mollon" clearly distinguishable. It is positioned above a horizontal line.

Mark L. Mollon

Registration No. 31,123

Attorney for Appellant

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CLAIMS APPENDIX

Claims 1-24 and 26-32 now read as follows:

1. A method for providing prepaid data service to a subscriber terminal in a communications network coupled by a gateway to a data network, the method comprising:

making a determination of whether a balance of a prepaid account of a corresponding subscriber for the data service meets a threshold;

if the determination is that the balance of the prepaid account does not meet the threshold, then passing traffic to a requested destination in the data network;

if the determination is that the balance of the prepaid account meets the threshold, then redirecting the traffic to a self-service portal; and

adding value to the balance of the prepaid account at the self-service portal using the subscriber terminal.

2. The method of claim 1, wherein making the determination of whether the balance of the prepaid account meets a threshold comprises comparing the balance of the prepaid account to the threshold.

3. The method of claim 1, further comprising selecting a level of prepaid data access to a data network.

4. The method of claim 1, further comprising sending an alert to the subscriber terminal, the alert providing a notification of prepaid data access available to the subscriber terminal.

5. The method of claim 1, further comprising:

establishing a data communication session with a subscriber terminal; and
directing the traffic from the subscriber terminal to the self-service portal in
response to establishing the communication session.

6. The method of claim 1, further comprising:
establishing a data communication session with a subscriber terminal over an
air interface,
whereby the traffic is received from the subscriber terminal.

7. The method of claim 1 wherein a counter represents the balance of the
prepaid account, the method further comprising adjusting the counter as the traffic passes
to the requested destination.

8. The method of claim 1, further comprising:
subscribing to a billing server to determine the balance of the prepaid account;
and
receiving an indication of the balance of the prepaid account from the billing
server.

9. The method of claim 8 wherein the indication is whether the balance of the
prepaid account meets the threshold.

10. The method of claim 8, further comprising polling the billing server for the
indication of the balance of the prepaid account.

11. A method of providing prepaid data service to a subscriber terminal in a
communications network coupled by a gateway to a data network, the method

comprising:

- establishing a communication session with a the subscriber terminal;

- making a determination of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold;

- if the determination is that the balance of the prepaid account does not meet the threshold, then passing traffic from the subscriber terminal to a requested destination in the data network;

- if the determination is that the balance of the prepaid account meets the threshold, then redirecting the traffic from the subscriber terminal to a self-service portal; and

- providing an account number to the self service portal using the subscriber terminal to add value to the balance of the prepaid account.

12. A method for providing first and second prepaid data services to a subscriber terminal in a communications network coupled by a gateway to a data network, the method comprising:

- making a first determination of whether a balance of a prepaid account of a corresponding subscriber for the first and second data services meets a first threshold determined in response to the first data service;

- if the first determination is that the balance of the prepaid account does not meet the first threshold, then passing traffic to a first requested destination in the data network corresponding to the first data service;

- making a second determination of whether the balance of a the prepaid account does not meet a second threshold determined in response to the second data service; and

- if the second determination is that the balance of the prepaid account does not meet the second threshold, then redirecting the traffic to a self-service portal.

13. A system for providing prepaid data service to a subscriber of a communications network, comprising:

a subscriber terminal coupled to the communications network;

a data network;

a data gateway coupling the communications network to the data network;

a web server coupled to the data gateway;

wherein the data gateway comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

passing traffic from the subscriber terminal to a requested destination in the data network if a balance of ~~the~~ a prepaid account of the subscriber for the data service does not meet a threshold; and

redirecting the traffic to the web server if the balance of the prepaid account meets the threshold; and

wherein the web server comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold.

14. The system of claim 13, wherein a determination of whether the balance of the prepaid account meets the threshold comprises comparing the prepaid account to the threshold.

15. The system of claim 13, further comprising a policy decision point, the policy decision point having a processor, a memory, and computer instructions stored in the memory and executable by the processor for comparing the balance of the prepaid account to the threshold to determine whether the balance of the prepaid account meets the threshold.

16. The system of claim 13, further comprising a self-service portal residing on the web server.

17. The system of claim 13, further comprising a self-service portal residing on the web server, wherein the self-service portal comprises computer instructions for selecting a level of prepaid data service.

18. The system of claim 13, wherein the data gateway comprises computer instructions stored in the memory and executable by the processor for directing the traffic from the subscriber terminal to the web server in response to a communication session being established with the subscriber terminal.

19. The system of claim 13, wherein the data gateway comprises an entity selected from the group consisting of a PDSN, an MSC, an IWF, a WAP server, and a switch.

20. The system of claim 15, wherein the policy decision point comprises an entity selected from the group consisting of a service agent, a service control point, and a network capabilities gateway.

21. The system of claim 13, wherein the data gateway further comprises computer instructions stored in memory and executable by the processor for sending an alert to the subscriber terminal, the alert providing a notification of prepaid access available to the subscriber terminal.

22. The system of claim 21, wherein the alert is selected from the group

consisting of a text message and a voice message.

23. The system of claim 13, wherein (i) the subscriber terminal transmits the traffic over an air interface to an access gateway, and (ii) the access gateway is coupled to the data gateway by the communication network.

24. The system of claim 13, wherein the subscriber terminal is a wireless terminal.

26. The system of claim 13, further comprising:
a billing server; and
the data gateway further comprising computer instructions stored in the memory and executable by the processor for:
 subscribing to the billing server to determine the balance of the prepaid account; and
 receiving an indication of the balance of the prepaid account from the billing server.

27. The system of claim 26 wherein the indication is whether the balance of the prepaid account meets the threshold.

28. The system of claim 26 wherein the data gateway further comprises computer instructions for polling the subscriber terminal for the indication of the balance of the prepaid account.

29. The system of claim 13 wherein a counter representing the balance of the prepaid account is adjusted as traffic passes to the requested destination.

30. A system for providing prepaid data service to a subscriber of a communications network, comprising:

means for making a determination of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold;

means for passing traffic to a requested destination in a data network separate from the communications network if the determination is that the balance of the prepaid account does not meet the threshold; and

means for redirecting the traffic to a self-service portal if the determination is that the balance of the prepaid account meets the threshold.

31. A system for providing first and second prepaid data services to a subscriber of a communications network, comprising:

a subscriber terminal coupled to the communications network;

a data network;

a data gateway coupling the communications network to the data network;

wherein the data gateway comprises a processor, memory, and computer instructions stored in the memory and executable by the processor for:

passing traffic to a first requested destination corresponding to the first data service in the data network if a balance of a prepaid account of a corresponding subscriber does not meet a first threshold;

passing traffic to a second requested destination corresponding to the second data service in the data network if a balance of the prepaid account does not meet a second threshold;

monitoring use of the first and second data services until a predetermined credit expires;

notifying both the first and second data services that the predetermined credit

expires; and

redirecting the traffic to a self-service portal when the predetermined credit expires.

32. The system of claim 31, wherein the data gateway is a WAP server.

EVIDENCE APPENDIX

No evidence has been submitted under 37 CFR §§1.130, §§1.131, §§1.132, or otherwise.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings and no corresponding decisions rendered.